

# **EXHIBIT**

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**DECLARATION OF JAMES CHURCH  
PURSUANT TO 28 U.S.C. § 1746**

I, James Church, hereby state that I have personal knowledge of the facts set forth below.

If called as a witness, I could and would testify as follows:

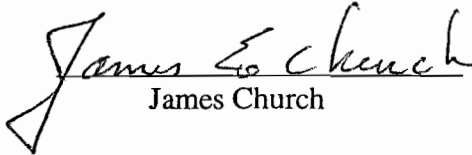
1. I am a U.S. citizen over the age of 18.
2. I have a Dell computer that runs Windows XP. On approximately June 11, 2008, I received a pop up that informed me that a scan was done on my computer and it found 35 viruses. The pop up was from "XP Antivirus," and said that I should buy this product to get rid of the viruses the scan found on my computer. I continued to get the pop ups so frequently that I started having difficulty using my computer.
3. At one point I received a pop up that told me that I had 70 viruses on my computer, but when I ran Norton's security product, it said I only had 3 or 4 tracking cookies.
4. On June 12, 2008, I tried to use my computer, but I could not run any of the programs I like to use or run my anti-virus protection. I continued to get the pop ups advertising XP Antivirus. I decided to give in and buy the product because I thought it would help stop the pop ups. I paid \$49.95 and as soon as I bought the product, my computer was back to normal.
5. I tried to use the XP Antivirus product by running a scan, but it ran for two seconds and said that it was done scanning and my computer was clear. I have run other anti-spyware programs, like the one by Norton, and it takes much longer to scan a whole computer and then delete any problems.
6. I received a confirmation of my order from "www.software-payment.com" and instead of charging me \$49.95, they charged me \$104.85 for the XP Antivirus and another program. I did not authorize any other charges and did not authorize them to bundle other

programs with the program I bought. The program XP Antivirus was bundled with did not work. I printed out a copy of my confirmation and a true and correct copy of it is attached to this Declaration as **Attachment A**.

7. I called the phone number on the confirmation, 800-467-1077, and I received a recording that said the phone number was no longer in service.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Date: 10/10/08

  
James Church